



STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

ST. PAUL 55155

May 14, 1985



514233
ADDRESS REPLY TO
ATTORNEY GENERAL'S OFFICE
POLLUTION CONTROL DIVISION
1935 WEST COUNTY ROAD B-2
ROSEVILLE, MN 55113
TELEPHONE: (612) 296-7342

Lee Keller
Dorsey & Whitney
2200 First Bank Place East
Minneapolis, Minnesota 55402

Re: U.S.A. et al. v. Reilly Tar & Chemical Corp.

Dear Lee:

In your April 19, 1985, letter to Betty McCain, you identify several requests for admission for which Reilly seeks further response. Our response to Reilly's request for further answer is set forth below.

(1) Request No. 206. You sought further response insofar as the request asks plaintiffs to authenticate RTC Exhibit No. 115, a document plaintiffs previously could not locate. We have now located the document and make our response in the enclosed Plaintiffs' May 13, 1985, Supplemental Response to Reilly's Request for Admissions.

(2) Request No. 219. You sought further response to this request, but were apparently unaware that the Plaintiff's served your office with a supplemental response on March 22, 1985. We refer you to that supplemental answer and have nothing further to add.

(3) Request No. 221. You sought further response to this request. The request includes two statements which plaintiffs are asked to admit. First, plaintiffs are asked to admit that certain contact prints "were made from aerial negatives which were secured while photographing Hennepin County, Minnesota." Second, plaintiffs are asked to admit that the aerial negatives referred to in the first statement are on file in a specified location. As specified in our prior response to Request No. 221, plaintiffs have been and continue to be unable to provide a response to either statement since, after reasonable inquiry, (1) we have no information which allows us to admit or deny the truth of this request and (2) the request is unclear (what does it mean to "secure" aerial negatives "while photographing Hennepin County?")

(4) Request No. 222. You sought further response insofar as the request asks plaintiffs to authenticate photograph number 220721, which was previously unavailable. We now have the photograph in our possession and make our response in the

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enclosed Plaintiffs' May 13, 1985, Supplemental Response to Reilly's Request for Admission.

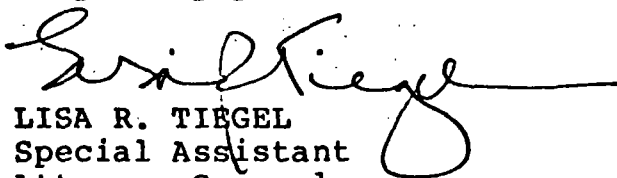
(5) Request No. 224. You sought further response insofar as the request asks plaintiffs to authenticate the documents with bates stamp numbers 303175, 303036, and 108251.

With respect to document number 303175, our previous response states that "plaintiffs are unable to admit or deny [the request]; document is incomplete." To remedy this problem, you sent us a copy of a single page, with bates stamp number 303175, titled United States Department of Agriculture, Department Bulletin No. 1308. The note you sent Betty with this document states "This is all we have in our files for 303175." On its face, the document is incomplete. It includes only the first page of a bulletin which clearly contains more than one page. We, therefore, are still not in a position to admit or deny your request and stand on our previous response.

With respect to document number 303036, our previous answer admitted that the document was genuine and authentic and that it was a business record. However, we were unable to admit or deny whether the document was an ancient document since the date of the document was illigible. You have provided us a clearer copy of the document and we are able to supplement our response as stated in Plaintiffs' May 13, 1985, Supplemental Response to Reilly's Request for Admission.

With respect to document number 108251, our previous response denied the request. The document with this bates number contains handwritten notes which do not identify its author, its date, its subject matter or its source. Accordingly, there is insufficient foundation to admit that this document is authentic, that it is business record or that it is ancient. The new information you sent us includes only a cover memorandum, dated April 28, 1955, which does not by its own terms explicitly or implicitly refer to document number 108251. Thus, the deficiency is not cured and we stand on our original response.

Very truly yours,


LISA R. TIEGEL
Special Assistant
Attorney General

LRT:lt
cc: All Counsel of Record